

46

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

IRA BOOKER, a/k/a, ROBERT HILL

No. 74 CR 528

Judge Thomas M. Durkin

MEMORANDUM OPINION AND ORDER

Robert Hill, the movant in this case, wrote a letter to the clerk of the court in this jurisdiction, seeking expungement of a conviction he received in 1972. For the following reasons, the Court denies the defendant's request.

ANALYSIS

Although Mr. Hill attached copies of correspondence indicating that the case number in question is 74 CR 528, examination revealed that the two-count indictment in 74 CR 528 involved a different Robert Hill. The Robert Hill from 74 CR 528 was actually named Ira Carl Booker. "Robert Hill" was only an alias. The crimes for which Booker was convicted date back to April of 1973,<sup>1</sup> not 1972, which Mr. Hill claims was the year his crime was committed.<sup>2</sup> Mr. Hill was also born in 1949,<sup>3</sup> while Booker was born in 1932.<sup>4</sup> Furthermore, Mr. Hill responded to a

---

<sup>1</sup> Gov. Ex. 3 (May 23, 1973).

<sup>2</sup> Letter from Robert Hill to the Court (Feb. 22, 2015).

<sup>3</sup> *Id.*

<sup>4</sup> Gov. Ex. 3 (May 23, 1973).

government letter that he was not the individual charged in 74 CR 528 as Ira Carl Booker.<sup>5</sup>

It is Mr. Hill's duty to provide the court with the accurate case number corresponding to the conviction that he seeks to be expunged. He has not done so. Furthermore, the Seventh Circuit has held that federal courts are without jurisdiction to order an Executive Branch agency to expunge what are accurate records of indictment and conviction. *United States v. Flowers*, 389 F.3d 737, 738 (7th Cir. 2004). However, federal courts do have jurisdiction to expunge records maintained by the judicial branch. *Id.* The test for the expungement of judicial records is a balancing test: if the dangers of unwarranted adverse consequences to the individual outweigh the public interest in maintenance of the records, then expunction is appropriate. *Id.*

In seeking expungement, Mr. Hill has provided the case number and conviction of an entirely different person. Expungement is not appropriate, and Mr. Hill's request is denied.

ENTERED:



---

Honorable Thomas M. Durkin  
United States District Judge

Dated: July 27, 2015

---

<sup>5</sup> Gov. Ex. A. (July 21, 2015).